

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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NATIONAL LABOR RELATIONS BOARD,

Petitioner,

-against-

ORDER

05 MC 30 (RJD) (JMA)

15th AVENUE FOOD CORP. d/b/a
KORN'S BAKERY and
CIRIL STERN, an individual,

Respondents.

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DEARIE, District Judge.

The Court referred petitioner's order to show cause and petition to adjudge respondents in civil contempt and for other civil relief to Magistrate Judge Joan M. Azrack for Report and Recommendation. On August 4, 2005, Magistrate Judge Azrack issued a report, recommending that the Court grant the petition and adjudge respondents in contempt of the Court's March 9, 2005 Order. Magistrate Judge Azrack further recommended that the Court impose the sanctions proposed by the National Labor Relations Board, with the exception of a writ of body attachment and attorney's fees and costs.

Respondents do not oppose the Report and Recommendation. By letter dated August 5, 2005, respondents advised the Court of their efforts to compile the requested documents and to schedule depositions. On the same date, petitioner filed a limited objection, requesting that the Court assess costs and attorney's fees. On August 9, 2005, respondents responded to petitioner's limited objection and emphasized that the Court should "accept and affirm Magistrate Judge Azrack's Report and Recommendation in its entirety." By submission dated October 27, 2005, petitioner moved to withdraw its limited objection to Magistrate Judge Azrack's Report and

Recommendation. The Court grants petitioner's motion.

The Court adopts Magistrate Judge Azrack's Report and Recommendation that respondents be found in contempt and subject to the Board's proposed sanctions, with the exception of a writ of body attachment and attorney's fees and costs, in its entirety and without qualification.

SO ORDERED.

Dated: Brooklyn, New York
October 3, 2005

s/ Judge Raymond J. Dearie


RAYMOND J. DEARIE
United States District Judge